

# U.S. Department of Defense



## Department of Defense Civilian Employee Workplace and Gender Relations Report Fiscal Year 2016

### *Biennial Report to Congress*

The estimated cost of this report for the Department of Defense is approximately \$907,000 in Fiscal Years 2016-2018. This includes \$708,000 in expenses and \$199,000 in DoD labor.

Generated on 17 Aug 18 RefID: 4-AACFAE4

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## ACRONYMS

CFR	Code of Federal Regulations
CPP	Civilian Personnel Policy
DEOMI	Defense Equal Opportunity Management Institute
DEORG	Defense Equal Opportunity Reform Group
DoD	Department of Defense
DoDD	DoD Directive
DoDI	DoD Instruction
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
FY	Fiscal Year
ODEI	Office for Diversity, Equity, and Inclusion
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
WGRC	DoD Civilian Employee Workplace and Gender Relations Survey

## I. EXECUTIVE SUMMARY

### INTRODUCTION

The Department of Defense (DoD) is tasked to administer a biennial survey and provide a report on the trends in DoD civilian employee workplace gender relations. *The 2016 DoD Civilian Employee Workplace and Gender Relations Survey (2016 WGRC)* and DoD Civilian Employee Workplace and Gender Relations Report satisfies the statutory reporting requirement outlined in Section 481a of Title 10, United States Code (U.S.C.). The *2016 WGRC* assessed DoD civilian employees' experiences and perceptions regarding sexual harassment, gender discrimination, and sexual assault allegedly committed by someone from work.<sup>1</sup> Although it was mandatory for DoD to administer the survey, participation in the survey was voluntary and confidential<sup>2</sup> for civilian employees.

The purpose of this report is to present the Department's analysis of the *2016 WGRC* results and unlawful gender discrimination complaint data submitted by DoD Components to the Equal Employment Opportunity Commission (EEOC) in Fiscal Year (FY) 2016. Taken together, the survey and reporting data provide the means to assess the effectiveness of DoD Equal Employment Opportunity (EEO) programs and to develop recommendations for the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) to improve the gender relations climate of the DoD civilian workforce.

FY 2016, the survey results provided a baseline for future assessments and were used to identify areas in need of targeted focus. The results from the *2016 WGRC* are beneficial in examining the effectiveness of reporting processes for DoD civilian employees who experience unwanted gender-related behaviors in the workplace and obtaining a pulse on the overall perceptions about gender relations in the DoD civilian workplace.

The *2016 WGRC* was administered September 29, 2016 – December 22, 2016. The population of interest consisted of DoD appropriated-funds civilian employees (non-political appointees) who were 18 years of age or older, in a pay status, and U.S. citizens. The survey was a census of 730,161 civilian employees, of whom 224,893 employees completed the survey, yielding a 32 percent weighted response rate. All of the survey results provided in this report were developed via an industry standard statistical weighting process used by similar government agencies to represent the DoD civilian population (not just survey respondents), including accounting for the demographic composition of the DoD civilian employee population and minimizing nonresponse bias.

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<sup>1</sup> "Someone from work" was defined as any person(s) with whom civilian employees came into contact as part of their DoD civilian job duties regardless of the context surrounding or where the alleged offense(s) occurred.

<sup>2</sup> For additional information regarding the confidential nature of the survey and how it differs from being an anonymous survey, please see Appendix A, specifically pages 4 and 21.

With the complex weighting procedures in mind, all results presented (e.g., rates and percentages) should be interpreted as estimates of the total population of civilian employees.<sup>3</sup> Additionally, all rates presented were created based on metrics and definitions used in the survey, which may not necessarily align with legal definitions.<sup>4</sup> Finally, the survey sought data on actions by “someone from work.” Actions occurring outside the workplace are generally outside DoD’s purview, even if they involve “someone from work.”

The use of the survey results presented is limited to data that may inform policy and does not constitute actual knowledge of specific instances of wrong-doing in the Department. Allegations of sexual harassment, gender discrimination, and work-related sexual assault must be reported and investigated through established channels before allegations may be substantiated.

## **2016 WGRC TOP LINE RESULTS**

Overall, 8.1<sup>5</sup> percent of DoD civilian employees (14.2 percent of women and 5.1 percent of men) indicated they experienced sexual harassment and/or gender discrimination in the 12 months prior to taking the survey.

- 5.4 percent of DoD civilian employees (8.9 percent of women and 3.7 percent of men) indicated they experienced sexual harassment in the 12 months prior to taking the survey.
- 4.4 percent of DoD civilian employees (8.8 percent of women and 2.2 percent of men) indicated they experienced gender discrimination in the 12 months prior to taking the survey.

Overall, 0.3 percent of civilian employees (0.5 percent of women and 0.1 percent of men) indicated they experienced work-related sexual assault in the 12 months prior to taking the survey.<sup>6</sup> The work-related sexual assault behaviors were then categorized hierarchically to create penetrative, non-penetrative, and attempted penetrative sexual assault rates.

- 0.1 percent of civilian women and less than 0.1 percent of civilian men indicated they experienced work-related penetrative sexual assault in the 12 months prior to taking the survey.
- 0.4 percent of civilian women and 0.1 percent of civilian men indicated they experienced work-related non-penetrative sexual assault in the 12 months prior to taking the survey.

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<sup>3</sup> When this report uses the phrase “civilian employees,” “civilian women,” and “civilian men” in the presentation of results from the 2016 WGRC, the reader should interpret this to refer to the weighted responses provided by respondents to the survey. Details on the complex weighting procedures used in the 2016 WGRC are provided in Appendix A.

<sup>4</sup> For a comprehensive explanation of OPA’s methodology for the 2016 WGRC, metrics used, and appropriate interpretations of results, please see Appendix A.

<sup>5</sup> As a reminder, all of the survey results provided in this report should be interpreted as estimates of the total population of civilian employees.

<sup>6</sup> “Work-related” means the alleged offender was “someone from work.” Please see Appendix A for a description of the 2016 WGRC work-related sexual assault metric.

- less than 0.1 percent of civilian women and civilian men indicated they experienced work-related attempted penetrative sexual assault in the 12 months prior to taking the survey.

Sexual harassment, gender discrimination, and work-related sexual assault are not always one-time events. To reduce burden, civilian employees who indicated experiencing sexual harassment, gender discrimination, and/or work-related sexual assault in the 12 months prior to taking the survey were asked to describe **the one situation** of sexual harassment, gender discrimination, or work-related sexual assault **that had the greatest effect on them** (“one situation”). Civilians were also asked if they disclosed to leadership or an EEO representative the one situation of sexual harassment, gender discrimination, and work-related sexual assault with the greatest effect on them.

- 50 percent of civilian women and 38 percent of civilian men indicated they disclosed the one situation of sexual harassment and/or gender discrimination to leadership.
- 17 percent of women and 12 percent of men indicated they disclosed the one situation of sexual harassment and/or gender discrimination to an EEO representative.
- 34 percent of civilian women and men indicated they disclosed the one situation of work-related sexual assault to leadership.
- 17 percent of women and 15 percent of men indicated they disclosed the one situation of work-related sexual assault to an EEO representative.

The 2016 WGRC also assessed attitudes and opinions on training related to sexual harassment, gender discrimination, and sexual assault. Of civilian employees who received sexual harassment, gender discrimination, and/or sexual assault training in the 12 months prior to the survey, over 90 percent agreed the training received conveyed relevant information.<sup>7</sup>

## FY 2016 DOD CIVILIAN EMPLOYEE SEXUAL HARASSMENT AND GENDER DISCRIMINATION COMPLAINT TOP LINE RESULTS

Section 301 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) requires each federal agency to post summary statistical data pertaining to complaints<sup>8</sup> of employment discrimination filed against it by employees, former employees, and applicants for employment under Section 1614 of Title 29, Code of Federal Regulations (CFR). The specific data to be posted is described in Section 301(b) of the No FEAR Act and Section 1614.704 of Title 29, CFR. Pursuant to Title III of the No FEAR Act, federal agencies are required to post quarterly on their public web sites certain summary statistical data relating to EEO complaints filed against the respective agencies. Accordingly, DoD Components complete the EEOC’s Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462). FY 2016 sexual harassment and gender discrimination formal<sup>9</sup> complaint data from the EEOC Form 462 were analyzed for this report. These data were

<sup>7</sup> For more detailed information, see Appendix B.

<sup>8</sup> The use of the term “complaint” in this report refers to allegations brought via the EEO process.

<sup>9</sup> Although the Components track the basis and issue of pre-complaints, this information is not reported on the EEOC 462 which is the primary complaint data source for this report.

selected because the EEOC Form 462 is the Department's main source of data on sexual harassment and gender discrimination.

Complaints filed through the EEO process can be addressed or resolved in a number of ways. When a complaint results in a finding, it means an allegation is substantiated following an investigation. When a complaint is settled, it means the complainant and agency reached an agreement by using some form of alternative dispute resolution, often mediation. The only settlement data available were the number of gender discrimination or sexual harassment complaints that were settled.

Complaints can be withdrawn as well, which means the complainant decided not to pursue the complaint further. Complaints may also be remanded, which occurs when the case was required to be reexamined or reinvestigated during an appeal process.

A complaint that was filed prior to the close of FY 2016, but not resolved with a finding, a settlement, a withdrawal, or a remand by the close of FY 2016, is considered pending. DoD complaint data collection process does not identify the number of formal EEO complaints filed in FY 2016 that were withdrawn, remanded, or pending at the end of FY 2016.

Accordingly, it is important to note that the findings and settlements occurring in FY 2016 are not necessarily linked to the complaints filed in FY 2016. Due to the time limits established in the EEO process, it is possible that the findings and/or settlements apply to complaints filed in previous fiscal years. The ability to identify which resolutions are connected to complaints filed in which fiscal year is a gap that was identified during this review of existing data sources and is being examined by the Department.

### **FY 2016 Sexual Harassment Complaints**

- There were 94 allegations of sexual harassment in formal EEO complaints: 16 were male complainants and 78 were female complainants.
- There was only 1 finding of sexual harassment that occurred in FY 2016, and 74 sexual harassment complaints settled.<sup>10</sup> The Department encourages settlement at the lowest level.

### **FY 2016 Gender Discrimination Complaints**

- There were 989 allegations of gender discrimination in formal EEO complaints: 343 were male complainants and 646 were female complainants.
- There were 9 findings of gender discrimination that occurred in FY 2016, and 553 gender discrimination complaints were settled. The Department encourages settlement at the lowest level.

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<sup>10</sup> As a reminder, the number of complaints that received a finding or were settled in FY 2016 may have been filed prior to Fiscal Year 2016.

## ASSESSMENT OF PROGRESS

For this first year of the survey, the Office for Diversity, Equity, and Inclusion (ODEI)<sup>11</sup> identified a need to improve DoD's reporting mechanisms for civilian employees who experience work-related sexual assault. In addition, gaps in data collection of the EEO complaint process were identified, which created difficulty in more fully understanding DoD civilian employees' trends in reporting alleged violations of work-related sexual harassment or gender discrimination. The Department will continue to collaborate with DoD Components to update its policies and programs to ensure it improves its abilities to aid its DoD civilian employee population.

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<sup>11</sup> ODEI was previously the Office of Diversity Management and Equal Opportunity during the administration of the 2016 WGRC. On July 19, 2018, a reorganization occurred resulting in the change of the name of the policy office to ODEI.



## II. INTRODUCTION

### BACKGROUND

DoD is firmly committed to promoting an environment of dignity and respect among all Service members and civilian employees. Discrimination against persons or groups based on race, color, religion, sex, national origin, disability, age, or genetic information is strictly prohibited by the Department, in accordance with Title VII of the Civil Rights Act of 1964, as amended.

Section 481 of Title 10, U.S.C., requires DoD to conduct a survey to assess the gender relations climate in the Armed Forces. The 2015 National Defense Authorization Act amended Title 10, U.S.C., to add Section 481a which required the Department to also conduct a biennial survey of DoD civilian employees on gender relations, including issues related to gender discrimination, sexual harassment, and gender-based assault, as well as the climate in the Department for forming professional relationships between male and female employees beginning in FY 2016. The Secretary is required to submit to Congress a report containing the results of the survey.

Section 481a of Title 10, U.S.C., provides the following requirements regarding the information that is to be collected biennially from a survey of DoD civilian employees:

- Indicators of positive and negative trends for professional and personal relationships between male and female civilian employees of the Department.
- The specific types of assault on civilian employees of the Department by other personnel of the Department that occurred, and the number of times each respondent was assaulted during the preceding fiscal year.
- The effectiveness of Department policies designed to improve professional relationships between male and female civilian employees of the Department.
- The effectiveness of current processes for complaints on and investigations into gender-based assault, harassment, and discrimination involving civilian employees of the Department.
- Any other issues relating to assault, harassment, or discrimination involving civilian employees of the Department that the Secretary considers appropriate.

The survey instrument included current military workplace and gender relations metrics adapted for the DoD civilian employee population, including metrics for deriving FY 2016 estimates of sexual harassment, gender discrimination, and work-related sexual assault, as well as broad gender relations climate, policy effectiveness, and reporting procedures. The *2016 WGRC* satisfies the statutory survey requirement, and was conducted September 29, 2016, through December 22, 2016. Participation in the survey was voluntary and confidential for civilian employees.

## OVERSIGHT OF EQUAL EMPLOYMENT OPPORTUNITY OF DOD CIVILIAN EMPLOYEES

ODEI, under the authority of the Executive Director of the Office of Force Resiliency and the USD(P&R), has broad responsibility for the DoD EEO program. This responsibility includes oversight for policy development, standardization of training and education, data collection, and analysis of unlawful discrimination complaint data. Part of understanding trends in the EEO process is examining the gender relations climate and experiences of the DoD civilian employee population.

### ODEI MISSION STATEMENT

ODEI's mission is to direct and oversee policies and programs to promote a DoD culture of dignity and respect that values diversity and inclusion as readiness imperatives.

### DOD CIVILIAN EEO COMPLAINT PROCESS

Civilian employees who believe they have experienced work-related sexual harassment or gender discrimination have multiple venues to pursue relief, including filing an EEO complaint under the authority of Part 1614 of Title 29, CFR, and as outlined by EEOC Management Directive 110. When an individual first reports a concern to his or her Component's EEO office, the individual enters the *pre-complaint* phase and is referred to as the *aggrieved*. The pre-complaint phase is an informal phase that allows the EEO professionals to aid the aggrieved in resolving the concern early. This can be done through mediation between the aggrieved and responding management official, or by simply assisting the aggrieved to identify options to address his or her concern.

If the issue is not resolved during the informal pre-complaint phase, the individual has the option to pursue a formal complaint process. If the individual elects to file a formal EEO complaint, he or she becomes the *complainant*, and the accepted claims undergo an investigation to develop a complete factual record which will be used by a trier of fact to determine whether the allegations are substantiated. The Defense Civilian Personnel Advisory Service Investigations and Resolutions Directorate conducts EEO investigations for DoD.

Although the Components track the basis<sup>12</sup> and issue<sup>13</sup> of pre-complaints, this information is not reported on the EEOC 462, which is the primary complaint data source for this report. Once a complaint becomes *formal*, however, specific elements of the complaint are officially tracked. Accordingly, the complaint data for gender-based complaints provided herein are for allegations made in EEO formal complaints only and shall be referred to as "complaints" for simplicity.

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<sup>12</sup> The basis of a complaint is the reason the complainant believes he or she was discriminated against based on a protected class (e.g., race, sex, disability) relating to a term, condition, or benefit of employment.

<sup>13</sup> The issue is the specific complaint(s) of *how* the complainant was discriminated against or treated differently from other employees because of his or her basis. For example, a complainant may allege she was denied a promotion because of her gender. The denial of the promotion is the issue and her gender is the basis.

An EEO complainant must identify the basis and issue when bringing forward a complaint of discrimination. A complainant may allege multiple bases and issues in one complaint. The current report focuses on FY 2016 EEO complaints alleging gender discrimination or sexual harassment.<sup>14</sup>

The EEOC Form 462 tracks data by fiscal year. However, complaint activity can extend past the fiscal year boundaries due to several variables including, but not limited to, when the complaint was filed or if it moved into the investigation or adjudication stages. Accordingly, the number of findings or settlements do not necessarily correspond directly to the number of complaints filed. In other words, the number of findings or settlements could be connected to a complaint that was filed in a previous fiscal year. Therefore, in reviewing this report, it should be noted that complaints closed due to settlements, findings, or other reasons may or may not necessarily include those that were filed during that fiscal year.

This report incorporates the data collection and analyses for sexual harassment and gender discrimination EEO complaints by DoD civilian employees for FY 2016 (October 1, 2015 through September 30, 2016) from 21 DoD Components. For FY 2016, the following DoD Components submitted an EEOC Form 462:

**Table 1. List of DoD Components Providing FY 2016 EEO Complaint Data**

<b>Military Departments</b>	Department of the Army (Army)
	Department of the Navy (Navy)
<b>DoD Agencies</b>	Army and Air Force Exchange Service
	Defense Commissary Agency
	Defense Contract Audit Agency
	Defense Contract Management Agency
	Defense Education Activity
	Defense Finance and Accounting Service
	Defense Health Agency
	Defense Human Resources Activity
	Defense Intelligence Agency
	Defense Information Systems Agency
	Defense Logistics Agency
	Defense Media Activity
	Defense Security Service
	Defense Threat Reduction Agency
	Missile Defense Agency
	National Geospatial-Intelligence Agency
	Office of the Inspector General
	Uniformed Services University of the Health Sciences
	Washington Headquarters Service

<sup>14</sup> Under Title VII and Part 1614 of Title 29, CFR, sexual harassment is a type of gender discrimination. Specifically, gender is the basis and sexual harassment is the issue. A complainant alleges he or she experienced discrimination due to gender when he or she was sexually harassed. To provide a more accurate comparison to the 2016 WGRC, however, the EEOC Form 462 data were separated into 1) sexual harassment complaints, and 2) other gender discrimination complaints.

## SUPPORTING LAWS AND POLICIES

Several federal laws and regulations apply to the topics of gender discrimination and sexual harassment:

- Title VII of the Civil Rights Act of 1964, as amended
- Chapter 23 of Title 5, U.S.C.
- Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (“No FEAR Act”), Public Law 107-174
- Executive Order (EO) 11478, “Equal Employment Opportunity in the Federal Government,” August 8, 1969, as amended
- EO 13087, “Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government,” May 28, 1998
- EO 13672, “Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity,” July 21, 2014
- Section 724 of Title 5, CFR, Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002
- Section 1604 of Title 29, CFR, Guidelines on Discrimination Because of Sex
- Section 1614 of Title 29, CFR, Federal Sector Equal Employment Opportunity

In addition to the legal framework, DoD implemented internal policies to further provide guidance, procedures, and enforcement of these laws:

- DoD Directive (DoDD) 1020.02e, “Diversity Management and Equal Opportunity in the DoD,” June 8, 2015
- DoDD 1440.1, “DoD Civilian Equal Employment Opportunity (EEO) Program,” May 21, 1987, certified current November 21, 2003
- DoD 1400.25-M, Vol. 410, “DoD Civilian Personnel Management system: Training, Education, and Professional Development,” September 25, 2013
- DoD 1400.25-M, Vol. 771, “DoD Civilian Personnel Management System: Administrative Grievance System,” December 26, 2013
- DoD 1400.25-M, Vol. 1614, “DoD Civilian Personnel Management System: Investigation of Equal Employment Opportunity (EEO) Complaints,” November 5, 2015
- DoD Instruction (DoDI) 1438.06, “Workplace Violence Prevention and Response,” January 16, 2014
- DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” March 28, 2013

### III. TOP LINE RESULTS

#### 2016 WGRC RESULTS FOR ESTIMATES OF SEXUAL HARASSMENT AND GENDER DISCRIMINATION EXPERIENCES

##### **2016 WGRC Estimates of Sexual Harassment and Gender Discrimination<sup>15</sup>**

The *2016 WGRC Sexual Harassment Rate* is an estimate of the percent of DoD civilian employees who experienced inappropriate gender-related workplace behaviors committed by someone from work<sup>16</sup> in the 12 months prior to taking the survey, such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that they believe created a hostile work environment or impacted their career (e.g., sexually hostile work environment and/or sexual *quid pro quo*). Overall, 5.4 percent of DoD civilian employees (8.9 percent of women and 3.7 percent of men) indicated they experienced sexual harassment in the 12 months prior to taking the survey.

The *2016 WGRC Gender Discrimination Rate* is an estimate of the percent of DoD civilian employees who experienced behaviors or comments directed at them by someone from work because of their gender that they believe resulted in harm to their career in the 12 months prior to taking the survey. Overall, 4.4 percent of DoD civilian employees (8.8 percent of women and 2.2 percent of men) indicated they experienced gender discrimination in the 12 months prior to taking the survey.

Collectively, 8.1 percent of DoD civilian employees (14.2 percent of women and 5.1 percent of men) indicated they experienced sexual harassment and/or gender discrimination in the 12 months prior to taking the survey.

##### **2016 WGRC Sexual Harassment and/or Gender Discrimination One Situation Details**

Sexual harassment and gender discrimination are not always one-time events. To reduce burden, civilian employees who indicated experiencing sexual harassment and/or gender discrimination in the 12 months prior to taking the survey were asked to describe the one situation of sexual harassment and gender discrimination that had the greatest effect on them (“one situation”). Of DoD civilian employees who indicated they experienced sexual harassment and/or gender discrimination in the 12 months prior to taking the survey:

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<sup>15</sup> For more detailed information, including Component breakouts, see Table 1 in Appendix B.

<sup>16</sup> At least one alleged offender was someone from work, regardless of the context surrounding or where the behavior occurred.

- 98 percent of civilian women and 97 percent of civilian men indicated the one situation of sexual harassment or gender discrimination occurred in a DoD context.<sup>17</sup>
- 85 percent of civilian women and 80 percent of civilian men indicated the behaviors happened more than one time.<sup>18</sup>
- The majority of civilian employees (92 percent of women and men) identified another DoD civilian employee as the alleged offender, with 57 percent of women and 52 percent of men indicating the alleged offender was part of their leadership. Additionally, the majority of civilian employees (93 percent of women and 74 percent of men) indicated at least one alleged offender was a man. Over half of civilian men (55 percent) indicated at least one alleged offender was a woman, while only 28 percent of civilian women indicated the same.<sup>19</sup>

### **2016 WGRC Reporting Sexual Harassment and Gender Discrimination to Leadership<sup>20</sup>**

The 2016 WGRC also assessed the disclosure of the one situation of sexual harassment or gender discrimination in the 12 months prior to taking the survey to leadership. Of civilian employees who indicated they experienced sexual harassment or gender discrimination in the 12 months prior to the survey, 50 percent of women and 38 percent of men indicated they disclosed the one situation to leadership.<sup>21</sup>

Civilian employees who indicated they disclosed the one situation to leadership were then asked to identify all the applicable actions that resulted from that disclosure. The most frequently endorsed actions<sup>22</sup> were:

- *The person who was told took no action* (45 percent of women and 53 percent of men).<sup>23</sup>
- *Someone talked to the alleged offender to ask them to change their behavior* (33 percent of women and 28 percent of men).
- *Coworkers treated you worse, avoided you, or blamed you for the problem* (25 percent of women and 27 percent of men).
- *You were encouraged to drop the issue* (25 percent of women and 35 percent of men).

Civilian employees were also asked to rate aspects of the disclosure to leadership. Overall, low levels of satisfaction with various aspects of the disclosure were observed for civilian employees who indicated they disclosed the one situation to leadership. Specifically, six aspects of the disclosure were assessed including:

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<sup>17</sup> “DoD context” includes any location or situation associated with the DoD (e.g., at a military installation, while performing their job duties, and while on temporary duty or assignment). Unwanted behaviors that occurred while DoD civilian employees were off duty in a situation unrelated to work were not considered “DoD context.” For more detailed information, see Table 2 in Appendix B.

<sup>18</sup> For more detailed information, including Component breakouts, see Table 3 in Appendix B.

<sup>19</sup> For more detailed information, including Component breakouts, see Tables 4 and 5 in Appendix B.

<sup>20</sup> Italicized phrases in this section indicate wording used on the 2016 WGRC for response options.

<sup>21</sup> For more detailed information, including Component breakouts, see Table 6 in Appendix B.

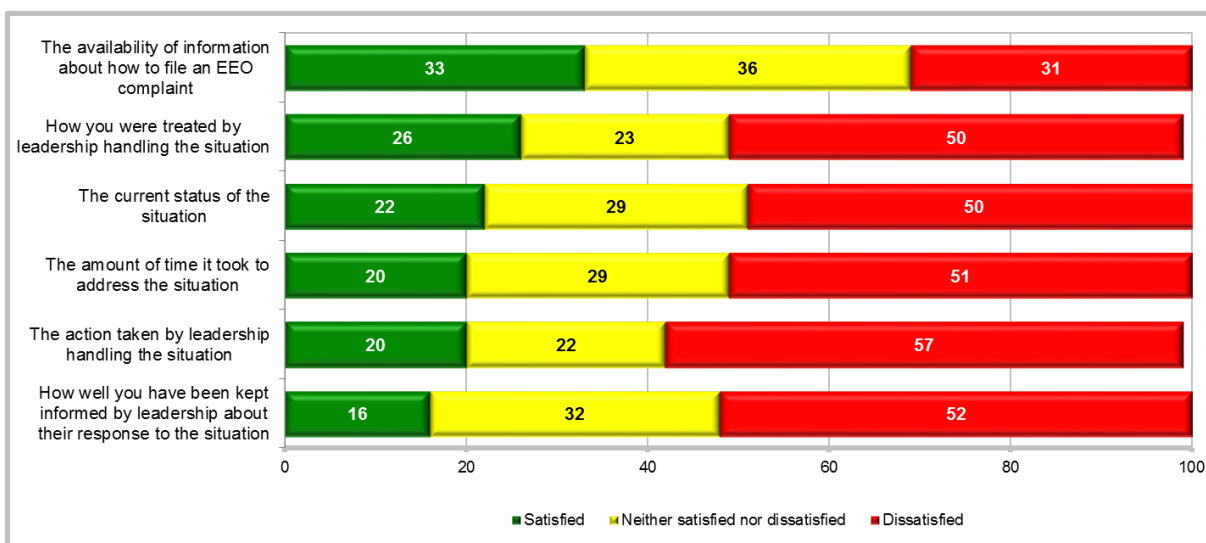
<sup>22</sup> For an additional listing of actions identified by survey respondents who indicated they disclosed the one situation to leadership, including Component breakouts, see Table 7 in Appendix B.

<sup>23</sup> As a survey design limitation, the survey did not explore why no action was taken, or whether no action was, in fact, taken. The 2018 iteration of the WGRC is being reviewed to see how it can address this limitation.

- *The availability of information about how to file an EEO complaint.*
- *How they were treated by the leadership handling the situation.*
- *The current status of the situation.*
- *The action taken by the leadership handling the situation.*
- *The amount of time it took to address the situation.*
- *How well they were kept informed on the status of the discussion/complaint.*

Figure 1 and Figure 2 show the level of satisfaction with various aspects of the discussion with the leadership about the one situation of sexual harassment/gender discrimination experienced in the 12 months prior to taking the survey for civilian women and men, respectively.<sup>24</sup>

**Figure 1. Satisfaction with Aspects of Disclosing the One Situation of Sexual Harassment/Gender Discrimination to Leadership for Civilian Women Who Experienced Sexual Harassment/Gender Discrimination and Disclosed it to Leadership.**

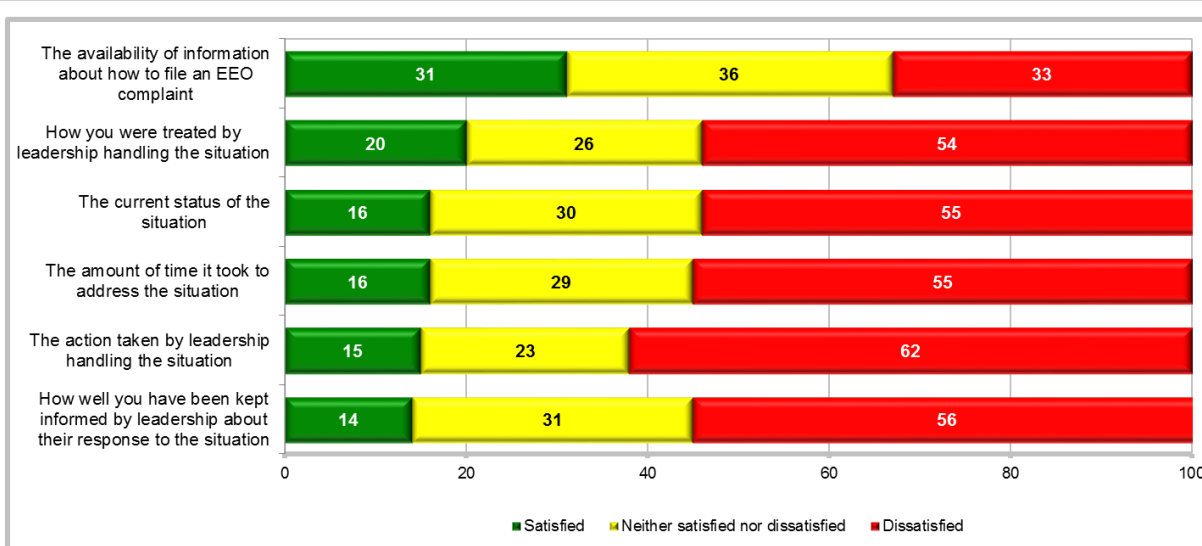


Margins of error range from  $\pm 1\%$  to  $\pm 2\%$

Percent of civilian women who indicated experiencing sexual harassment/gender discrimination in the past 12 months and disclosed to leadership

<sup>24</sup> For more detailed information, including Component breakouts, see Table 8 in Appendix B.

**Figure 2. Satisfaction with Aspects of Disclosing the One Situation of Sexual Harassment/Gender Discrimination to Leadership for Civilian Men Who Experienced Sexual Harassment/Gender Discrimination and Disclosed it to Leadership.**



Margins of error do not exceed  $\pm 2\%$

Percent of civilian men who indicated experiencing sexual harassment/gender discrimination in the past 12 months and disclosed to leadership

Civilian employees who indicated they experienced sexual harassment and/or gender discrimination in the 12 months prior to the survey, but did not indicate disclosing the one situation to leadership were asked to identify all the applicable reasons why they chose not to disclose. The top three reasons<sup>25</sup> indicated by civilian employees for not disclosing the one situation of sexual harassment or gender discrimination to leadership were:

- *They did not think anything would be done* (57 percent of women and 53 percent of men).
- *They thought they might be labeled as a troublemaker* (50 percent of women and 49 percent of men).
- *They wanted to forget about it and move on* (45 percent of women and 44 percent of men).

### **2016 WGRC Reporting of Sexual Harassment and Gender Discrimination to EEO Representatives<sup>26</sup>**

The 2016 WGRC assessed the disclosure of the one situation of sexual harassment or gender discrimination in the 12 months prior to taking the survey to an EEO representative. Of civilian employees who indicated they experienced sexual harassment or gender discrimination in the 12 months prior to the survey, 17 percent of women and 12 percent of men indicated disclosing the one situation to an EEO representative.<sup>27</sup>

<sup>25</sup> For more detailed information, including Component breakouts, see Table 9 in Appendix B.

<sup>26</sup> Italicized phrases in this section indicate wording used on the 2016 WGRC for response options.

<sup>27</sup> For more detailed information, including Component breakouts, see Table 10 in Appendix B.



Civilian employees who indicated disclosing the one situation to an EEO representative were then asked to identify all applicable actions that resulted from that disclosure. The most frequently endorsed actions<sup>28</sup> were:

- *The person who was told took no action* (42 percent of women and 53 percent of men).<sup>29</sup>
- *An investigation, survey, or other assessment of the workplace was conducted* (36 percent of women and 33 percent of men).
- *You were discouraged from filing/further pursuing an EEO complaint* (28 percent of women and 34 percent of men).
- *The rules on harassment were explained to everyone in the workplace* (27 percent of women and men).

Civilian employees were also asked to rate aspects of the disclosure to an EEO representative. Overall, low levels of satisfaction with various aspects of the disclosure were observed for civilian employees who indicated they disclosed the one situation to an EEO representative. Specifically, six aspects of the disclosure were assessed including:

- *How they were treated by the EEO representative handling the situation.*
- *The availability of information about how to file an EEO complaint.*
- *The action taken by the EEO representative handling the situation.*
- *The amount of time it took to address the situation.*
- *How well they were kept informed on the status of the discussion/complaint.*
- *The current status of the situation.*

Figure 3 and Figure 4 show the level of satisfaction with various aspects of the disclosure to the EEO representative about the one situation of sexual harassment and/or gender discrimination experienced in the 12 months prior to taking the survey for civilian women and men, respectively.<sup>30</sup>

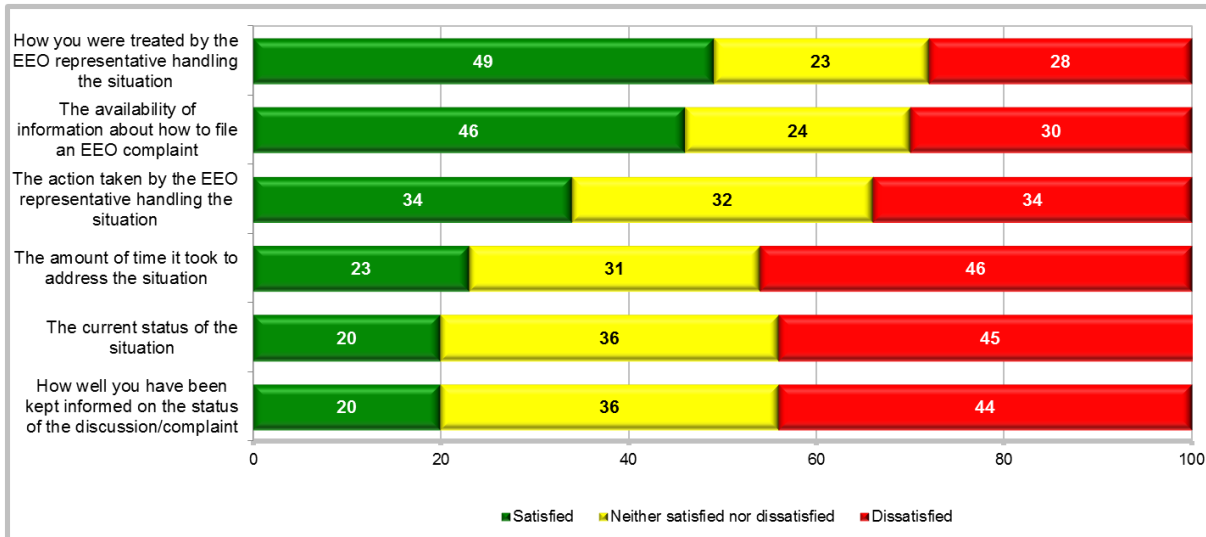
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<sup>28</sup> For an additional listing of actions identified by survey respondents who indicated they disclosed the one situation to leadership, including Component breakouts, see Table 11 in Appendix B.

<sup>29</sup> As a survey design limitation, the survey did not explore why no action was taken, or whether no action was, in fact, taken. The 2018 iteration of the WGRC is being reviewed to see how it can address this limitation.

<sup>30</sup> For more detailed information, including Component breakouts, see Table 12 in Appendix B.

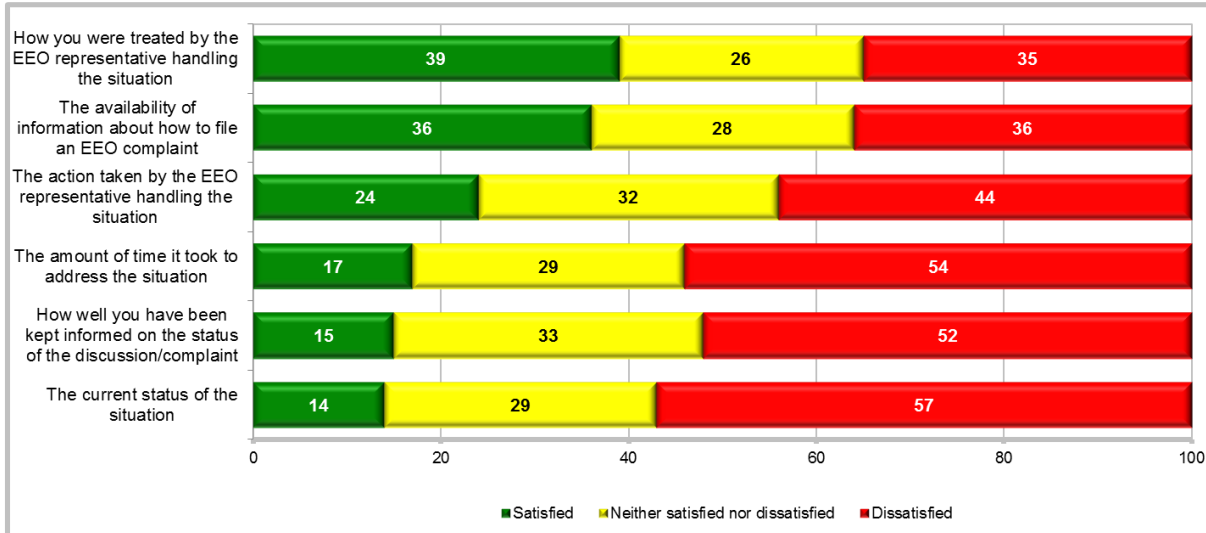
**Figure 3. Satisfaction with Aspects of Disclosing the One Situation of Work-Related Sexual Harassment or Gender Discrimination to an EEO Representative for Civilian Women Who Experienced Sexual Harassment/Gender Discrimination and Disclosed it to an EEO Representative.**



*Margins of error do not exceed  $\pm 2\%$*

Percent of civilian women who indicated experiencing sexual harassment/gender discrimination in the past 12 months and disclosed to an EEO representative

**Figure 4. Satisfaction with Aspects of Disclosing the One Situation of Work-Related Sexual Harassment or Gender Discrimination to an EEO Representative for Civilian Men Who Experienced Sexual Harassment/Gender Discrimination and Disclosed it to an EEO Representative.**



*Margins of error range from  $\pm 3\%$  to  $\pm 4\%$*

Percent of civilian men who indicated experiencing sexual harassment/gender discrimination in the past 12 months and disclosed to an EEO representative

Civilian employees who indicated they experienced sexual harassment or gender discrimination in the 12 months prior to the survey, but did not indicate disclosing the one situation to an EEO representative were asked to identify all applicable reasons why they chose not to disclose. The top three reasons<sup>31</sup> identified for not disclosing the one situation of sexual harassment or gender discrimination to an EEO representative were:

- *They did not think anything would be done* (43 percent of women and 46 percent of men).
- *They thought it was not serious enough to discuss/file an EEO complaint* (42 percent of women and men).
- *They thought they might be labeled as a troublemaker* (39 percent of women and 38 percent of men).

## **2016 WGRC RESULTS FOR ESTIMATES OF WORK-RELATED SEXUAL ASSAULT EXPERIENCES**

### **2016 WGRC Estimates of Work-Related Sexual Assault Rates in the 12 Months Prior to Taking the Survey<sup>32</sup>**

The *2016 WGRC Work-Related Sexual Assault Rate* is an estimate of the percent of DoD employees who indicated they experienced unwanted sexual behaviors (e.g., penetrative, non-penetrative, and attempted sexual assault) that were allegedly perpetrated by someone at work, done with a specific intent (e.g., to abuse or humiliate, or gratify sexual desires) and without consent, in the 12 months prior to taking the survey.<sup>33</sup> Overall, 0.3 percent of DoD civilian employees (0.5 percent of women and 0.1 percent of men) indicated they experienced work-related sexual assault in the 12 months prior to taking the survey.

The work-related sexual assault behaviors were then categorized hierarchically to create estimated FY 2016 penetrative, non-penetrative, and attempted penetrative sexual assault rates. In the 12 months prior to taking the survey, 0.1 percent of civilian women and less than 0.1 percent of civilian men indicated they experienced work-related penetrative sexual assault, 0.4 percent of civilian women and 0.1 percent of civilian men indicated they experienced work-related non-penetrative sexual assault, and less than 0.1 percent of civilian women and civilian men indicated they experienced work-related attempted sexual assault.

### **2016 WGRC Work-Related Sexual Assault One Situation Details**

Civilian employees who indicated they experienced work-related sexual assault in the 12 months prior to taking the survey were asked to describe the one situation of work-related sexual assault

<sup>31</sup> For more detailed information, including Component breakouts, see Table 13 in Appendix B.

<sup>32</sup> For more detailed information, including Component breakouts, see Table 14 in Appendix B.

<sup>33</sup> For more information regarding the work-related sexual assault metric, please see Appendix A.

that had the greatest effect on them (“one situation”).<sup>34</sup> Of DoD civilian employees who indicated they experienced work-related sexual assault:

- The majority (82 percent of women and 71 percent of men) identified an incident of non-penetrative sexual assault (unwanted sexual touching) as the one situation.<sup>35</sup>
- The majority indicated the one situation occurred at their primary duty location (77 percent of women and 85 percent of men) and while they were performing their DoD civilian job duties (73 percent of women and 76 percent of men).<sup>36</sup>
- The majority (87 percent of women and 84 percent of men) identified another DoD civilian employee as an alleged offender, with 29 percent of women and 42 percent of men alleging the offending person involved was part of their leadership. Additionally, the vast majority of civilian women (94 percent) identified at least one alleged offender as a man, whereas about two-thirds (64 percent) of civilian men indicated the same. Over half of civilian men (52 percent) identified at least one alleged offender as a women, whereas only 10 percent of civilian women indicated the same.<sup>37</sup>

### **2016 WGRC Reporting of Work-Related Sexual Assault to Leadership<sup>38</sup>**

The 2016 WGRC assessed the disclosure<sup>39</sup> of the one situation of work-related sexual assault in the 12 months prior to taking the survey to leadership. Of civilian employees who indicated they experienced work-related sexual assault in the 12 months prior to the survey, 34 percent of women and men indicated they disclosed the one situation of work-related sexual assault to leadership.<sup>40</sup>

Civilian employees who indicated they disclosed the one situation of work-related sexual assault to leadership were then asked to identify all the applicable actions that resulted from that disclosure. The most frequently endorsed actions<sup>41</sup> were:

- *The person who was told took no action* (51 percent of women and 82 percent of men).<sup>42</sup>
- *Coworkers treated you worse, avoided you, or blamed you for the problem* (43 percent of women and 50 percent of men).
- *You were discouraged from filing/further pursuing an EEO complaint or contacting law enforcement* (37 percent of women and 48 percent of men).

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<sup>34</sup> Civilian employees may have indicated they experienced more than one situation of work-related sexual assault in the 12 months prior to taking the survey. To reduce burden, civilian employees who indicated they experienced work-related sexual assault in the 12 months prior to taking the survey were asked to think about the “one situation” with the greatest effect on them.

<sup>35</sup> For more detailed information, including Component breakouts, see Table 15 in Appendix B.

<sup>36</sup> For more detailed information, including Component breakouts, see Table 16 in Appendix B.

<sup>37</sup> For more detailed information, including Component breakouts, see Tables 17 and 18 in Appendix B.

<sup>38</sup> Italicized phrases in this section indicate wording used on the 2016 WGRC for response options.

<sup>39</sup> This information is based on self-reported experiences of a sexual assault as measured on the 2016 WGRC. Only an investigation can determine whether a sexual assault actually occurred.

<sup>40</sup> For more detailed information, including Component breakouts, see Table 19 in Appendix B.

<sup>41</sup> For an additional listing of actions identified by survey respondents who indicated they disclosed the one situation to leadership, including Component breakouts, see Table 20 in Appendix B.

<sup>42</sup> As a survey design limitation, the survey did not explore why no action was taken, or whether no action was, in fact, taken. The 2018 iteration of the WGRC is being reviewed to see how it can address this limitation.

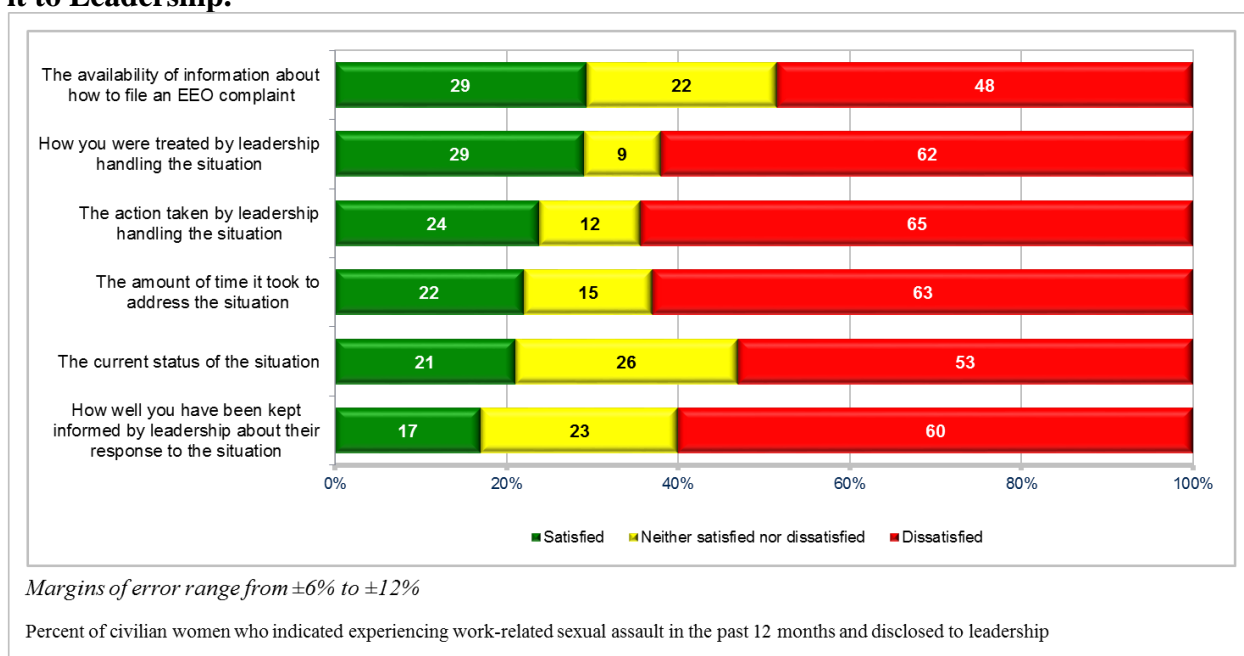
- *You were encouraged to drop the issue* (30 percent of women and 47 percent of men).

Civilian employees were also asked to rate aspects of the disclosure to leadership. Overall, low levels of satisfaction with various aspects of the discussion were observed for civilian employees who indicated they disclosed the one situation to leadership. Specifically, six aspects were assessed including:

- *The availability of information about how to file an EEO complaint.*
- *How they were treated by the leadership handling the situation.*
- *The action taken by the leadership handling the situation.*
- *The amount of time it took to address the situation.*
- *The current status of the situation.*
- *How well they were kept informed on the status of the discussion/complaint.*

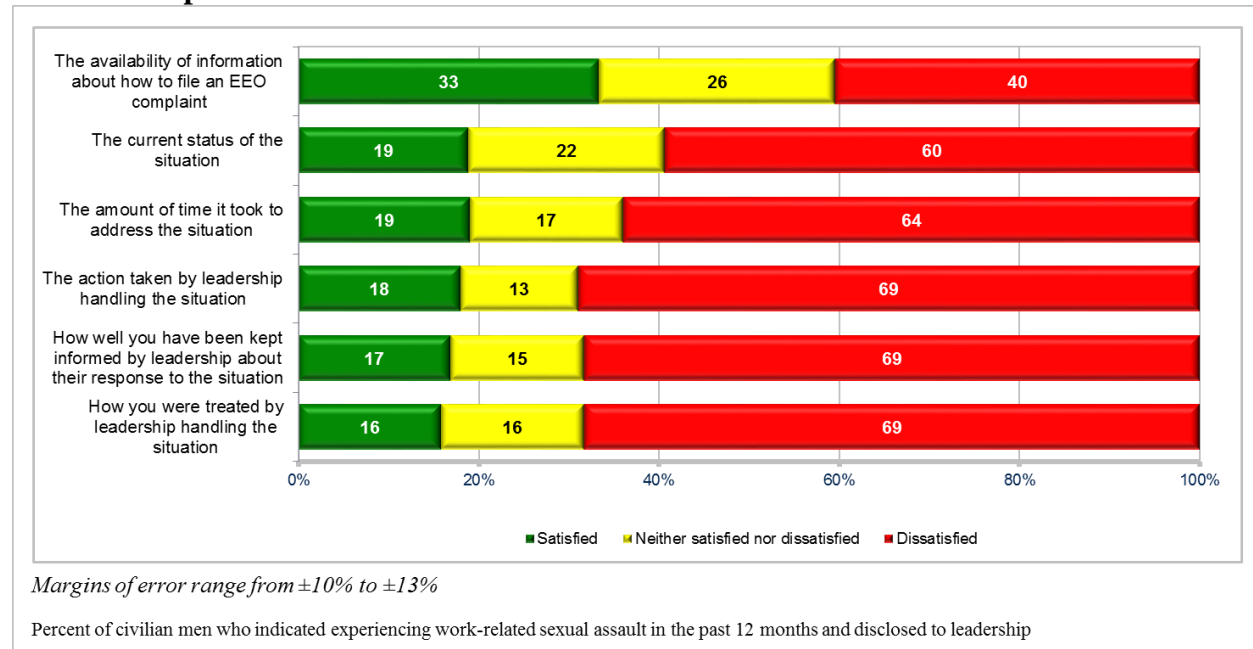
Figure 5 and Figure 6 show the level of satisfaction with various aspects of the discussion with the leadership about the one situation of work-related sexual assault experienced in the 12 months prior to taking the survey for civilian women and men, respectively.<sup>43</sup>

**Figure 5. Satisfaction with Aspects of Disclosing the One Situation of Work-Related Sexual Assault to Leadership for Civilian Women Who Experienced Sexual Assault and Disclosed it to Leadership.**



<sup>43</sup> For more detailed information, including Component breakouts, see Table 21 in Appendix B.

**Figure 6. Satisfaction with Aspects of Disclosing the One Situation of Work-Related Sexual Assault to Leadership for Civilian Men Who Experienced Sexual Assault and Disclosed it to Leadership.**



Civilian employees who indicated they experienced work-related sexual assault in the 12 months prior to the survey, but did not indicate disclosing the one situation of work-related sexual assault to leadership were asked to identify all applicable reasons why they chose not to disclose. The top two reasons<sup>44</sup> identified by civilian employees who did not indicate disclosing the work-related one situation to leadership were:

- *They did not want more people to know* (66 percent of women and 52 percent of men).
- *They wanted to forget about it and move on* (62 percent of women and 57 percent of men).

### **2016 WGRC Reporting of Work-Related Sexual Assault to EEO Representatives<sup>45</sup>**

The 2016 WGRC assessed the disclosure<sup>46</sup> of the one situation<sup>47</sup> of work-related sexual assault in the 12 months prior to taking the survey to an EEO representative. Of the civilian employees who indicated they experienced work-related sexual assault in the 12 months prior to the survey,

<sup>44</sup> For more detailed information, including Component breakouts, see Table 22 in Appendix B.

<sup>45</sup> Italicized phrases in this section indicate wording used on the 2016 WGRC for response options.

<sup>46</sup> This information is based on self-reported experiences of sexual assault as measured on the 2016 WGRC. Only an investigation can determine whether a sexual assault actually occurred.

<sup>47</sup> Civilian employees may have indicated they experienced more than one situation of work-related sexual assault in the 12 months prior to taking the survey. To reduce burden, civilian employees who indicated they experienced work-related sexual assault in the 12 months prior to taking the survey were asked to think about the “one situation” with the greatest effect on them.

17 percent of women and 15 percent of men indicated they disclosed the work-related one situation to an EEO representative.<sup>48</sup>

Civilian employees who indicated they disclosed the one situation of work-related sexual assault to an EEO representative were then asked to identify all applicable actions that resulted from that disclosure. Data for civilian men were not reportable in this area.<sup>49</sup> The most frequently endorsed actions<sup>50</sup> were:

- *The person who was told took no action* (43 percent of women).<sup>51</sup>
- *The person(s) who did this took action against you for discussing/filing an EEO complaint* (31 percent of women).
- *An investigation, survey, or other assessment of the workplace was conducted* (27 percent of women).
- *Your leadership punished you for bringing it up* (27 percent of women).

Civilian employees were also asked to rate aspects of the disclosure to an EEO representative. Again, data for civilian men were not reportable and are not presented in this report. Overall, varying levels of satisfaction with aspects of the disclosure were observed for civilian women who indicated disclosing the one situation to an EEO representative. Specifically, six aspects were assessed including:

- *The availability of information about how to file an EEO complaint.*
- *How they were treated by the leadership handling the situation.*
- *The action taken by the leadership handling the situation.*
- *The current status of the situation.*
- *The amount of time it took to address the situation.*
- *How well they were kept informed on the status of the discussion/complaint.*

Figure 7 shows the level of satisfaction with various aspects of the discussion with an EEO representative about the one situation of work-related sexual assault experienced in the 12 months prior to taking the survey for civilian women.<sup>52</sup>

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<sup>48</sup> For more detailed information, including Component breakouts, see Table 23 in Appendix B.

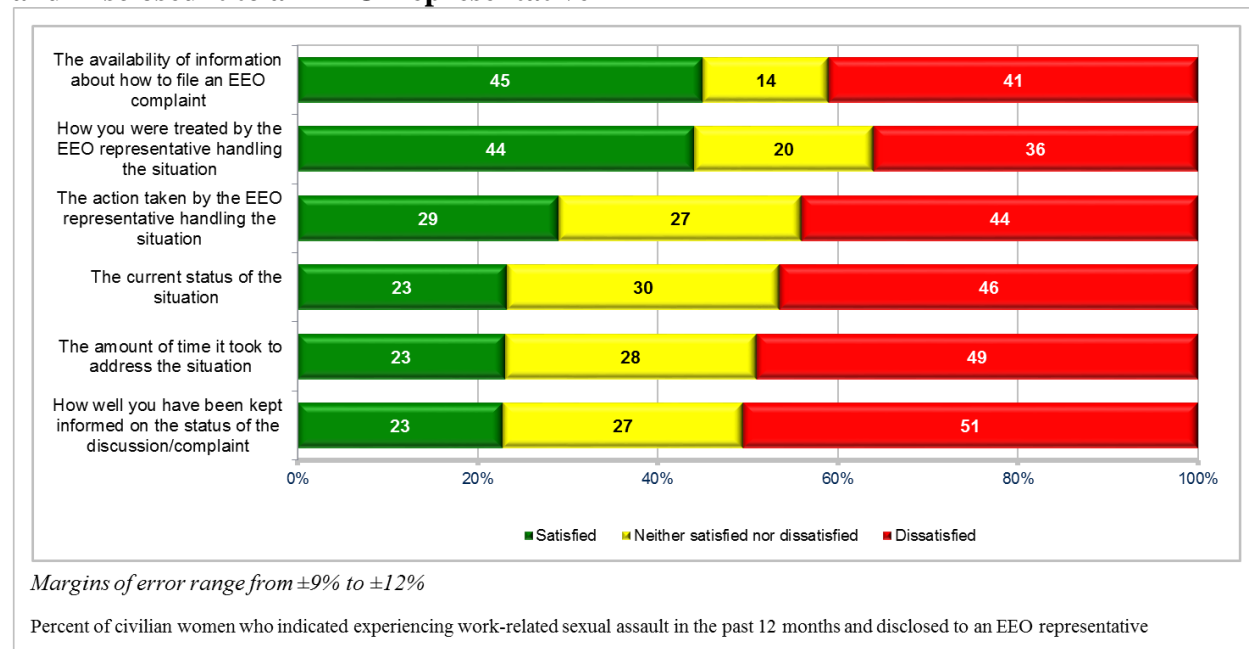
<sup>49</sup> Data are “not reportable” due to low reliability caused by unstable estimates. For a more detailed explanation, see Appendix A.

<sup>50</sup> For an additional listing of actions identified by survey respondents who indicated they disclosed the one situation to leadership, including Component breakouts, see Table 24 in Appendix B.

<sup>51</sup> As a survey design limitation, the survey did not explore why no action was taken, or whether no action was, in fact, taken. The 2018 iteration of the WGRC is being reviewed to see how it can address this limitation.

<sup>52</sup> For more detailed information, including Component breakouts, see Table 25 in Appendix B.

**Figure 7. Satisfaction with Aspects of Disclosing the One Situation of Work-Related Sexual Assault to an EEO Representative for Civilian Women Who Experienced Sexual Assault and Disclosed it to an EEO Representative**



Civilian employees who indicated they experienced work-related sexual assault in the 12 months prior to the survey, but did not indicate disclosing the work-related one situation to an EEO representative were asked to identify all applicable reasons why they chose to not disclose. The top two reasons<sup>53</sup> for not disclosing the one situation of work-related sexual assault to an EEO representative were:

- *They did not want more people to know* (50 percent of women and 53 percent men).
- *They wanted to forget about it and move on* (49 percent of women and 54 percent of men).

### **2016 WGRC Reporting of Work-Related Sexual Assault to Law Enforcement<sup>54</sup>**

Of the estimated 0.5 percent of civilian women and 0.1 percent of civilian men who indicated they experienced sexual assault in the 12 months prior to taking the survey, only 8 percent of civilian women and 6 percent of civilian men indicated filing a police report about the one situation.<sup>55</sup> The top reason<sup>56</sup> identified by civilian women for not filing a police report was *they thought it was not serious enough to report* (53 percent), while the top reason identified by civilian men was *they did not think anything would be done* (40 percent).

<sup>53</sup> For more detailed information, including Component breakouts, see Table 26 in Appendix B.

<sup>54</sup> Italicized phrases in this section indicate wording used on the 2016 WGRC for response options.

<sup>55</sup> For more detailed information, including Component breakouts, see Table 27 in Appendix B.

<sup>56</sup> For more detailed information, including Component breakouts, see Table 28 in Appendix B.



## **2016 WGRC GENDER RELATIONS AND TRAINING FINDINGS**

### **2016 WGRC Results on EEO Policy and Training**

Civilian employees were asked on the 2016 WGRC to indicate their perceptions of EEO policies and training received. The majority of civilian employees indicated they were satisfied with the availability of information on filing a complaint or otherwise reporting unwanted gender behaviors.<sup>57</sup> Specifically:

- 83 percent of women and 89 percent of men indicated they were satisfied with the availability of information on filing a complaint or otherwise reporting sexual harassment.
- 79 percent of women and 87 percent of men indicated they were satisfied with the availability of information on filing a complaint or otherwise reporting gender discrimination.
- 83 percent of women and 89 percent of men indicated they were satisfied with the availability of information on filing a complaint or otherwise reporting sexual assault.
- 86 percent of women and 90 percent of men indicated they knew how to contact the EEO representative for their organization.

Per Public Law 107-174, Section 202, each federal agency shall provide employees training regarding the rights and remedies applicable in connection with reporting unlawful discrimination and whistleblowing. Furthermore, DoD 1400.25-M, Vol. 410, requires DoD Components to provide training programs to teach employees at all levels how to identify and prevent sexual harassment. These trainings include information on defining prohibited gender-related behaviors and how to report discriminatory behaviors in the workplace that could constitute EEO offenses. The majority of civilian employees (92 percent of women and 96 percent of men) indicated they received DoD-sponsored training on sexual harassment or gender discrimination in the 12 months prior to the survey.<sup>58</sup> Of civilian employees who received training, the majority indicated the training conveyed the following relevant information:<sup>59</sup>

- Explained that, in addition to women, men also experience sexual harassment and sexual assault (95 percent of women and 94 percent of men).
- Provided a good understanding of what actions are considered sexual harassment and gender discrimination (94 percent of women and 95 percent of men).
- Explained options available for complaints of sexual harassment or gender discrimination occurs (92 percent of women and 95 percent of men).
- Identified points of contact for complaints of sexual harassment or gender discrimination (92 percent of women and 94 percent of men).
- Explained DoD's role in handling sexual harassment and gender discrimination complaints (92 percent of women and 94 percent of men).

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<sup>57</sup> For more detailed information, including Component breakouts, see Tables 29 and 30 in Appendix B.

<sup>58</sup> For more detailed information, including Component breakouts, see Table 31 in Appendix B.

<sup>59</sup> For more detailed information, including Component breakouts, see Table 32 in Appendix B.

- Taught how to intervene as a witness to potential sexual harassment or gender discrimination (92 percent of women and 93 percent of men).
- Explained how sexual harassment and gender discrimination are mission readiness problems (91 percent of women and 94 percent of men).

The majority of civilian employees (89 percent of women and 94 percent of men) indicated they received DoD-sponsored training on sexual assault in the 12 months prior to the survey.<sup>60</sup> Of civilian employees who received training, the majority indicated the training conveyed the following relevant information:<sup>61</sup>

- Provided a good understanding of what actions are considered sexual assault (96 percent of women and men).
- Explained the resources available to victims (95 percent of women and 96 percent of men).
- Explained how sexual assault can affect all members of the DoD community, including DoD civilians (95 percent of women and 96 percent of men).
- Explained the reporting options available within the DoD community if a sexual assault occurs (95 percent of women and 96 percent of men).

### **2016 WGRC Results on Gender Relations Culture**

The majority of civilian employees indicated<sup>62</sup> they would be *likely to encourage others to come forward* if they learned their coworker experienced unwanted gender-related behaviors, including:

- *Encouraging someone who has experienced a sexual assault to seek counseling* (97 percent of women and 96 percent of men).
- *Encouraging someone who has experienced sexual assault to report it* (96 percent of women and 97 percent of men).
- *Encouraging someone who has experienced sexual harassment to tell a supervisor* (93 percent of women and 95 percent of men).

Additionally, the majority of civilian employees indicated they would be *likely to come forward* themselves if they experienced unwanted gender-related behaviors, including:

- *Reporting a sexual assault if it happened to them* (92 percent of women and men).
- *Telling a supervisor about sexual harassment if it happened to them* (84 percent of women and 88 percent of men).

Moreover, the majority of civilian employees, regardless of gender, indicated they would be *likely to use some resource if they were sexually assaulted* (97 percent of women and 96 percent

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<sup>60</sup> For more detailed information, including Component breakouts, see Table 33 in Appendix B.

<sup>61</sup> For more detailed information, including Component breakouts, see Table 34 in Appendix B.

<sup>62</sup> For more detailed information, including Component breakouts, see Table 35 in Appendix B.

of men).<sup>63</sup> Finally, the majority of civilian employees (between 75 and 96 percent of women, and 84 and 91 percent of men) indicated their work leadership demonstrates a variety of positive gender relations behaviors in the workplace.<sup>64</sup>

## **FY 2016 DOD EEO COMPLAINTS<sup>65</sup> OF SEXUAL HARASSMENT AND GENDER DISCRIMINATION**

In FY 2016, the Department conducted an examination of the EEOC 462 complaint data submitted by DoD Components, which covered October 1, 2015 – September 30, 2016. There are 26 identified issues in the EEO complaint and reporting process pertaining to sex discrimination that can use gender as a basis. The EEO complaint structure includes sexual harassment and gender discrimination as forms of sex discrimination. Specifically, sexual harassment is an issue of discrimination based on gender that involves sexual behaviors and/or comments directed at an employee that changes the conditions of employment or creates a hostile work environment. Gender discrimination encompasses all other issues pertaining to personnel decisions made unfairly on the basis of gender.

It is important to note that work-related sexual assault is not specified as a separate EEO basis or issue, but could be pursued as another form of sexual harassment in the EEO arena. Because sexual assault against civilian employees committed by a non-Service member is defined and addressed by state laws, civilians may elect to pursue legal action outside of the EEO complaint of DoD UCMJ process. These legal actions would not be tracked by DoD or the EEOC. Only work-related sexual assault complaints filed with an EEO counselor as sexual harassment would be tracked in EEOC 462 data. At this time, though, DoD does not have data delineating work-related sexual assault complaints from other work-related sexual harassment complaints available.

In FY 2016, DoD Components received and processed a total of 2,807 formal EEO complaints from 2,654 DoD civilian employee complainants.<sup>66</sup> Of those, 94 were formal EEO sexual harassment complaints and 989 formal EEO gender discrimination complaints. Thus, a total of 1,083 out of the 2,807 EEO complaints (39 percent) tracked by DoD Components were analyzed for this report.

For a breakdown of EEO complaint data by Component, see Appendix C.

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<sup>63</sup> For more detailed information, including Component breakouts, see Table 36 in Appendix B.

<sup>64</sup> For more detailed information, including Component breakouts, see Table 37 in Appendix B.

<sup>65</sup> As a reminder, the use of the term “complaint” in this report refers to allegations brought via the formal EEO process.

<sup>66</sup> The Department of the Air Force lacked an automated EEO complaint tracking and reporting tool from February to December 2016, which resulted in an inability to provide accurate FY 2016 data. Accordingly, there is no Air Force EEO complaint data for FY 2016 to include in this report.

## Sexual Harassment

There were 94 formal EEO complaints of sexual harassment filed in FY 2016: 16 were male complainants and 78 were female complainants. In addition, as Table 2 demonstrates, in FY 2016 there was one finding of sexual harassment and 74 settlements, but these are likely connected to complaints that were filed prior to FY 2016.

**Table 2. DoD Sexual Harassment Complaints Filed, Received Findings, or Settled**

# of Sexual Harassment Complaints		# of Sexual Harassment Findings		# of Sexual Harassment Issues Settled	
Male	Female	Male	Female	Male	Female
16	78	1	0	13	61

## Gender Discrimination

There were 989 formal EEO complaints of gender discrimination filed in FY 2016: 343 were male complainants and 646 were female complainants. Table 3 shows that there were 9 findings of gender discrimination and 553 allegations of gender discrimination reached settlement in FY 2016. It is possible that the findings and settlements are connected to complaints that were filed prior to FY 2016.

**Table 3. DoD Issues of Gender Discrimination Complaints Filed, Received Findings, or Settled in FY 2016**

Issue	# of Gender Discrimination Complaints Filed		# of Gender Discrimination Findings		# of Gender Discrimination Complaints Settled	
	Male	Female	Male	Female	Male	Female
Appointment/Hire	32	42	0	1	8	21
Assignment of Duties	34	68	0	0	20	46
Awards	10	8	0	0	3	8
Conversion to Full-Time	0	0	0	0	0	0
Demotion	2	3	0	0	0	1
Discipline – Reprimand	17	34	0	0	14	19
Discipline – Suspension	15	35	0	0	11	15
Discipline – Removal	10	22	0	0	5	8
Discipline – Other	12	31	0	0	11	18
Duty Hours	9	12	0	0	5	15
Evaluation/Appraisal	32	74	0	1	20	48
Examination/Test	0	1	0	0	0	1
Medical Examination	2	0	0	0	0	1
Pay (Including Overtime)	6	24	0	0	5	15
Promotion/Non-Selection	56	105	1	2	20	44
Reassignment – Denied	8	13	1	0	1	10
Reassignment – Directed	15	20	0	0	8	11
Reinstatement	0	0	0	0	0	0
Retirement	1	0	0	0	0	0
Sex-Stereotyping	1	2	0	0	2	1
Telework	4	8	0	0	0	1
Termination	14	37	1	0	12	17
Terms/Conditions of Employment	28	48	0	0	16	38
Time and Attendance	20	34	0	0	10	24
Training	15	25	0	2	4	16
<b>DISCRIMINATION TOTAL</b>	<b>343</b>	<b>646</b>	<b>3</b>	<b>6</b>	<b>175</b>	<b>378</b>

In particular, more civilian women than civilian men filed a formal EEO complaint of gender discrimination in FY 2016. Additionally, when reviewing each issue, only three have more male complainants than female: Awards (10 male, 8 female), Medical Examination (2 male, 0 female), and Retirement (1 male, 0 female).

Of the remaining issues, the one with the largest gap between male and female complainants is Pay (Including Overtime) (6 male, 24 female). Four times more women than men filed a formal EEO complaint of gender discrimination based on Pay (including Overtime).

## IV. PREVENTION AND RESPONSE EFFORTS

### POLICY

The Department is guided by the principle that each individual has dignity and worth. The Department seeks to eradicate behaviors that undermine this principle. Promoting an environment free from personal, social, or institutional barriers that prevent DoD members from rising to the highest possible level of responsibility is fundamental to mission readiness.

#### Oversight Framework

The Department has multiple policies and offices providing oversight for the treatment of its civilian employee population. Specifically, ODEI has two policies within its purview that address these issues:

- DoDD 1020.02e, “Diversity Management and Equal Opportunity in the DoD,” June 8, 2015, incorporating Change 2, effective June 1, 2018, establishes an accountability framework, based on federal laws, regulations, and other applicable guidance, that evaluates DoD Components’ efforts to identify and eliminate barriers and gaps that inhibit progress of the implementation of diversity and inclusion efforts.
- DoDD 1440.1, “DoD Civilian Equal Employment Opportunity (EEO) Program,” May 21, 1987, certified current November 21, 2003, prohibits “discrimination based on race, color, religion, sex, national origin, age, mental or physical disability, or age.” It also provides that DoD should “eliminate barriers and practices that impede equal employment opportunity for all employees...including sexual harassment in the workforce and at work sites....”

In addition, the office of Civilian Personnel Policy (CPP) has oversight for policy and procedures to address the mistreatment of employees outside the EEO complaint process:

- DoDI 1400.25, Volume 711, “Labor Management Relations,” December 1, 1996, for those employees who are covered by a collective bargaining agreement.
- DoDI 1400.25, Volume 771, “DoD Civilian Personnel Management System: Administrative Grievance System,” December 26, 2013, which directs that employees are entitled to present concerns via the Administrative Grievance System, and have those concerns considered expeditiously, fairly, and impartially.
- DoDI 1438.06, “DoD Workplace Violence Prevention and Response Policy,” January 16, 2014, expressly provides that DoD is to work with employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behaviors. Reports of incidents will be taken seriously and addressed appropriately.

Additionally, in the area of sexual assault, DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” March 28, 2013, provides assistance for DoD civilian employees who are in a deployed environment. Specifically, DoD civilian employees and their

family dependents 18 years of age or older who are assigned or performing duties outside the continental United States (OCONUS) and eligible for treatment in the military healthcare system at military installations or facilities (OCONUS) are eligible for limited SAPR services, as identified by a Sexual Assault Response Coordinator.

## **Education and Training**

The Department established the Defense Equal Opportunity Management Institute (DEOMI) in 1971 as the Defense Race Relations Institute, in response to civil disturbances occurring at military installations and aboard ships in the late 1960s and early 1970s. DEOMI has grown over the years and now offers Total Force Equal Opportunity and Equal Employment Opportunity occupational training for EEO practitioners in both resident and non-resident courses.

Additionally, DoD Components are required to establish a continuing EEO educational program for civilian and military personnel who supervise civilian employees, as well as provide training programs to teach employees at all levels how to identify and prevent sexual harassment. Furthermore, annual training is provided for supervisors and employees to foster workplace violence prevention and public safety awareness. This training provides instruction to refrain from making threats or engaging in workplace violence, promptly report all acts or threats of violence to the immediate supervisor and appropriate military or civilian authorities, and report all incidents of any person on a DoD facility who is the subject of, witness to, or victim of threatening behavior or a violent act, to their immediate supervisor and appropriate military or civilian authorities.

## **Equal Opportunity Climate**

Per policy, DoD civilian employees are entitled to equal opportunity in an environment free from unlawful discrimination based on race, color, sex, religion, national origin, disability, age, sexual orientation, or genetic information, without reprisal. The Department is committed to ensuring that all DoD civilian employees are afforded the right to participate in, and benefit from, programs and activities for which they are qualified.

The DEOMI Organizational Climate Survey is a tool used by organizations to assess the shared perceptions of DoD civilian employees about the organization's formal or informal policies and practices. The DEOCS serves as a front-line prevention and response strategy for inappropriate gender-related workplace behaviors, as it provides critical information regarding the commands' human relations state.

## V. SUMMARY

The purpose of this report was to summarize results from the Congressionally-mandated *2016 WGRC* which assessed DoD civilian employees' workplace gender relations climate. This was accomplished by using survey estimates and the EEO complaint data on sexual harassment and gender discrimination reported by DoD Components on the EEOC Form 462 for FY 2016.

The *2016 WGRC* results are estimates representative of the entire DoD appropriated-fund civilian employee population and provide a baseline upon which DoD can assess trends over time. The results allowed the Department to identify areas of concern related to sexual harassment, gender discrimination, and work-related sexual assault, and review the effectiveness of existing policies and procedures. Results revealed 14.2 percent of women and 5.1 percent of men indicated they experienced sexual harassment and/or gender discrimination in the 12 months prior to taking the survey, and 0.5 percent of civilian women and 0.1 percent of civilian men indicated they experienced work-related sexual assault in the 12 months prior to taking the survey.

In addition, the Department conducted an examination of the FY 2016 EEOC Form 462 complaint data of sexual harassment and gender discrimination allegations submitted by DoD Components. Results indicated 94 formal EEO sexual harassment complaints and 989 formal EEO gender discrimination complaints were filed in FY 2016. In addition, 75 sexual harassment complaints and 562 gender discrimination complaints either settled or received a finding in FY 2016. Due to the time involved in the EEO complaint process, it is possible that the complaints that received findings or settlements are connected to complaints that were filed prior to FY 2016.

The Department aims to achieve unity of effort and purpose across DoD in the execution of work-related sexual harassment, gender discrimination, and sexual assault prevention initiatives and activities. The Department will continue to incorporate insights from its prevention subject matter experts who have experience in developing evidence-based prevention methods. The Department will also continue to conduct surveys and track complaint data to evaluate the effectiveness of current policies and processes in addition to making recommendations for the future to ensure a climate of diversity and inclusion founded on dignity and respect.



## **VI. WAY FORWARD**

### **PREVENTION AND RESPONSE EFFORTS**

The Department acknowledges continual improvement and monitoring of prevention and response strategies is key to addressing existing and emerging inappropriate gender-related workplace behaviors. As a result, the Department will continue collaboration with integrated process teams to identify trends between DoD's prevention and response efforts and the effects of those efforts on reporting complaints of inappropriate gender-related workplace behaviors. The Department will also continue to examine civilian policies and programs to develop strategies to prevent and respond to gender-related harassment or discrimination.

In early 2018, USD(P&R) established the Defense Equal Opportunity Reform Group (DEORG) and tasked it to identify gaps and provide recommendations to the Department's holistic approach to preventing and responding to unlawful discrimination and harassment. The DEORG is chaired by the Executive Director of the Office of Force Resiliency, and consists of representatives from all DoD stakeholders, including the Military Departments, ODEI, and CPP. This collaborative approach aids in navigating the myriad of complex gender relations issues and in developing strategies to resolve them.

### **POLICY**

#### **Education and Training**

Understanding that the leadership of DoD Components have ultimate responsibility for training, the Department continues to examine the efficacy of current unlawful discrimination and harassment prevention training. Specifically, the DEORG will analyze the current education and training requirements that exist in law and policy, and examine the steps needed to ensure appropriate and applicable education and training is provided to DoD civilian employees.

The Department will continue collaboration with DoD Components to emphasize the importance of unlawful discrimination and harassment prevention training throughout the lifecycle of the civilian's employment. Further, the Department will continue to investigate research opportunities to evaluate training currently being offered across the enterprise, continue assessing how the training is received by the trainees and how it influences individual behaviors going forward, and ascertain the types of policy adjustments needed.

### **REPORTING**

#### **Overall Effectiveness on Reporting Processes for Complaints**

The Department is continually working to improve reporting processes for complainants. To better align with existing DoD policies and EEO guidelines, the Department is examining current

complaint reporting processes, timelines, and levels of satisfaction to identify areas needing improvement.

### **Standardized Data Collection and Tracking**

The Department will continue to refine data tracking, reporting, and collection. The DEORG will review existing legal and policy data collection requirements and evaluate DoD compliance with these requirements. These evaluations will be used to inform any new data collection requirements, if needed, and inform policy revisions, as appropriate.